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# Human rights questions: human rights situations and reports of special rapporteurs and representatives

## Report of the Third Committee*

*Rapporteur*: Ms. Oksana **Boiko** (Ukraine)

## I. Introduction

1. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-seventh session, under the item entitled "Human rights questions", the sub-item entitled "Human rights situations and reports of special rapporteurs and representatives" and to allocate it to the Third Committee.

2. The Third Committee considered the sub-item at its 34th to 38th, 40th to 46th, 49th, 54th and 56th to 58th meetings, from 4 to 8, on 11, 12 and 14 and from 20 to 22 November 2002. At its 34th to 38th and 40th to 46th meetings, the Committee held a general discussion on sub-item 109 (c) jointly with sub-items (b) and (e). An account of the Committee's discussion is contained in the relevant summary records (A/C.3/57/SR.34-38, 40-46, 49, 54 and 56-58).

3. For the documents before the Committee under this sub-item, see A/57/556.

4. At the 34th meeting, on 4 November, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of Afghanistan, Denmark (on behalf of the States Members of the United Nations that are members of the European Union), Italy and Switzerland took part (see A/C.3/57/SR.34).

* The report of the Committee on this item will be issued in six parts, under the symbol A/57/556 and Add.1-5.

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5. At the same meeting, the Special Rapporteur of the Commission on Human Rights on the human rights of migrants made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of Denmark (on behalf of the States Members of the United Nations that are members of the European Union), Mexico and Pakistan took part (see A/C.3/57/SR.34).

6. At the 36th meeting, on 5 November, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of Iraq, Denmark (on behalf of the States Members of the United Nations that are members of the European Union), the Libyan Arab Jamahiriya, Kuwait, Canada, Cuba and Switzerland took part (see A/C.3/57/SR.36).

7. At the same meeting, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied since 1967 made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of Israel, Denmark (on behalf of the States Members of the United Nations that are members of the European Union), the Syrian Arab Republic, Egypt and the Libyan Arab Jamahiriya, as well as the observer for Palestine, took part (see A/C.3/57/SR.36).

8. Also at the same meeting, the Special Representative of the Secretary-General for human rights in Cambodia made an introductory statement. The Committee engaged in a dialogue with the Special Representative, in which the representatives of Cambodia, Denmark (on behalf of the States Members of the United Nations that are members of the European Union), Japan, the United States of America and Viet Nam took part (see A/C.3/57/SR.36).

9. At the 37th meeting, on 6 November, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of Myanmar, Denmark (on behalf of the States Members of the United Nations that are members of the European Union), the Netherlands, New Zealand, the United States of America, the Republic of Korea, Canada and India took part (see A/C.3/57/SR.37).

10. At the same meeting, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of the Sudan, Denmark (on behalf of the States Members of the United Nations that are members of the European Union), China, Morocco, the Libyan Arab Jamahiriya, Egypt, the Islamic Republic of Iran, Cuba, the Syrian Arab Republic, Lebanon and Canada took part (see A/C.3/57/SR.37).

11. At the 38th meeting, on 6 November, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of Burundi, Denmark (on behalf of the States Members of the United Nations that are members of the European Union) and the United Republic of Tanzania took part (see A/C.3/57/SR.38).

12. At the same meeting, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of the Democratic Republic of the Congo, Uganda and Germany took part (see A/C.3/57/SR.38).

# II. Consideration of proposals

## A. Draft resolution A/C.3/57/L.43 and Rev.1

13. At the 49th meeting, on 14 November, the representative of Denmark on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Poland, Portugal, Romania, San Marino, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Situation of human rights in the Sudan" (A/C.3/57/L.43), which read:

"*The General Assembly*,

"*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

"*Mindful* that the Sudan is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and the Geneva Conventions of 12 August 1949 for the protection of victims of war,

"*Recalling* its previous resolutions on the situation of human rights in the Sudan, and taking note of Commission on Human Rights resolution 2002/16 of 19 April 2002,

"*Taking note* of Security Council resolution 1372 (2001) of 28 September 2001,

"*Noting with appreciation* the recent developments within the peace talks led by the Intergovernmental Authority on Development, and expressing its firm belief that human rights should become a key element in the peace talks in view of the link between a sustainable peace and respect for human rights,

"1. *Welcomes*:

"(a) The Machakos Protocol of 20 July 2002 and the announcement that both parties have agreed to a cessation of hostilities in all areas following the signature of the memorandum of understanding between the Government of the Sudan and the Sudan People's Liberation Army/Movement on the resumption of negotiations on peace in the Sudan;

"(b) The extension of the ceasefire agreement in the Nuba Mountains, signed on 19 January 2002 by the Government of the Sudan and the Sudan People's Liberation Army/Movement, as well as the Khartoum agreement to

protect civilians and civilian facilities from military attacks, also signed by them on 10 March 2002;

"(c) The commitment of the Government of the Sudan to facilitate the establishment of an independent national institution on human rights;

"(d) The recent visit of the Secretary-General to the Sudan;

"(e) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan submitted to the General Assembly at its fifty-seventh session and the cooperation extended by the Government of the Sudan to the Special Rapporteur during his visits to the Sudan in February, March and October 2002;

"(f) The cooperation extended by the Government of the Sudan and the Sudan People's Liberation Army/Movement to other United Nations mandate holders in the field of human rights, as well as to the United Nations and other humanitarian agencies, to mitigate the effects of war on civilians, and their commitment to permit days and zones of tranquillity, and emphasizes the need to return to a principle of full, safe and unhindered access and to strengthen the support to such agencies;

"(g) The commitment of the Government of the Sudan to embark on a programme of civic education in democracy and to create an inter-party liaison mechanism in order to foster democratization;

"(h) The commitment of the Government of the Sudan to establish an advisory council for Christians, to appoint Christians to senior executive positions within the Ministry for Religious Affairs and to promote inter-religious dialogue;

"(i) Decree 14/2002 of 26 January 2002 of the President of the Republic of the Sudan re-establishing and further empowering the Committee for the Eradication of Abduction of Women and Children, the Committee's facilitation of flights to repatriate abducted children and its intention to hold tribal conferences in Kordofan and Darfur and the support of the Government and the Sudar People's Liberation Army/Movement for the International Eminent Persons Group on slavery, abduction and forced servitude, which visited the Sudan in April and May 2002, and their commitment to consider implementation of the recommendations of the Group as stated in their report of 22 May 2002;

"(j) The signing of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

"2. *Expresses its deep concern* at:

"(a) The impact of the ongoing armed conflict on the situation of human rights and its adverse effects on the civilian population, in particular women, children and internally displaced persons, and at the continuing serious violations of human rights, fundamental freedoms and international humanitarian law by all parties to the conflict;

"(b) The decision of the Government of the Sudan to keep in place the state of emergency until the end of 2002;

"(c) The restrictions on freedom of thought, conscience, religion and belief and on freedom of association, assembly, opinion and expression;

"(d) The occurrence of torture and ill-treatment of civilians, extrajudicial summary or arbitrary execution, arbitrary arrest, detention without trial and the cruellest forms of corporal punishment, in particular amputations;

"(e) The forced conscription and displacement, enforced or involuntary disappearances, as well as other acts of intimidation and harassment against the population;

"(f) Persistent violations of the rights of women, including discrimination against women and girls in law and in practice, as well as serious human rights abuses such as killing, rape, abduction and female genital mutilation;

"(g) Persistent violations of the rights of the child, including the use of children as soldiers and combatants as well as their subjection to forced labour;

"(h) The extensive use of the death penalty, in disregard of the provisions of the International Covenant on Civil and Political Rights and United Nations safeguards, in particular the lack of legal representation, the use of special courts, especially in Darfur, with military personnel appointed as judges, the occurrence of group sentencing, the circumvention of normal appeal processes and the imposition of the death penalty on persons below 18 years of age at the time of the commission of their crime, which raises serious doubts regarding the validity of the legal processes;

"(i) The abduction of women and children by Murahaleen groups and other militias;

"(j) The numerous and repeated difficulties encountered by United Nations and humanitarian staff in carrying out their mandate in the Sudan and the conditions imposed on humanitarian organizations, in contravention of humanitarian principles, in particular the denial of access to them, which has had grave consequences for the civilian population affected by the armed conflict and has led to the withdrawal of many such organizations;

"(k) The forced displacement of populations throughout the Sudan, in particular in areas surrounding the oilfields;

"3. *Urges* all parties to the conflict in the Sudan:

"(a) To seize the prospect of peace to ensure continued progress in the fields of human rights, democratization and the rule of law, thereby creating a climate of mutual trust and confidence that will create the basis for a viable peace and facilitate reconciliation;

"(b) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, in particular the need to ensure the protection of civilians and civilian premises, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for

violations of human rights and international humanitarian law are brought to justice;

"(c) To adhere to the Machakos Protocol, to take necessary measures to facilitate the peace negotiations and to work actively towards the settlement of a just and viable peace, based on respect of human rights and the principles of democratization and the rule of law, under the auspices of the Intergovernmental Authority on Development peace process;

"(d) To continue implementing the Khartoum agreement to protect civilians and civilian facilities from military attacks, and in particular urges the Government of the Sudan to cease immediately all indiscriminate aerial bombardments and attacks against the civilian population and civilian installations and the Sudan People's Liberation Army/Movement and to abstain from using civilian premises for military purposes, and from misappropriating humanitarian assistance and diverting relief supplies, including food, from their civilian recipients;

"(e) To restrain from military activities as a demonstration of willingness for a peaceful solution to the long-standing conflict and to adhere to a comprehensive ceasefire as part of a just peace negotiation process;

"(f) To stop the support to and use of tribal militias that commit human rights abuses;

"(g) To grant full, safe and unhindered access to all international agencies and humanitarian organizations in order to facilitate by all possible means the delivery of humanitarian assistance, in conformity with international humanitarian law, to all civilians in need of protection and assistance and to continue to cooperate with the Office for the Coordination of Humanitarian Affairs of the Secretariat and Operation Lifeline Sudan to deliver such assistance;

"(h) Not to use or recruit children under the age of 18 as soldiers, to continue demobilizing child soldiers, to refrain from the practice of forced conscription and to fulfil the commitments made concerning the protection of children affected by war, including cessation of the use of anti-personnel landmines, attacks on sites where there is usually a significant presence of children and the abduction and exploitation of children, as well as to ensure access to displaced and unaccompanied minors and to reunify them with their families;

"4. *Calls upon* the Government of the Sudan:

"(a) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

"(b) To ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women, and to ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction;

"(c) To end the state of emergency now that the stated reasons for its imposition have been resolved, namely through the constitutional amendment allowing the Presidential appointment of governors, and to undertake further efforts to promote an environment conducive to a genuine process of democratization that reflects the aspirations of the people and ensures their full participation;

"(d) To end impunity for human rights violations and to try perpetrators in accordance with the rule of law, as well as to strengthen the role of the Advisory Council on Human Rights to investigate all reported human rights violations, including acts of torture;

"(e) To fulfil its commitment to establish an independent national institution on human rights and to create a general legal framework facilitating the establishment of organizations in the field of human rights and to further encourage and support the Advisory Council on Human Rights in enhancing the promotion of human rights in the Sudan through its various activities, including its advisory services and advocacy activities;

"(f) To ensure full respect for freedom of religion and conscience and, in this regard, to undertake measures to end discrimination based on religion;

"(g) To ensure full respect for the freedoms of association, assembly, opinion, thought and expression throughout the territory of the Sudan and to fully implement existing legislation, in particular the Associations and Political Parties Act;

"(h) To raise the age of criminal responsibility for children in order to take into account the observations of the Committee on the Rights of the Child;

"(i) To continue and reinforce its efforts to prevent and stop the abduction of women and children taking place within the framework of the conflict in southern Sudan;

"(j) To make concerted efforts to restrain the activities of tribal militias, to stop financing and equipping them and to suspend the use of the government train to Bahr-el-Ghazal until peace is established;

"(k) To cease the forced displacement of populations by any means, in particular in areas surrounding the oilfields, to continue its efforts to address effectively the worsening problem of internally displaced persons, including by implementing the commitments made to the representative of the Secretary-General on internally displaced persons and ensuring their access to effective protection and assistance;

"(l) To liberalize the system for maintaining public order;

"(m) To implement the Standard Minimum Rules for the Treatment of Prisoners;

"(n) To ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations assumed under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the provisions of United Nations safeguards;

"(o) To make further efforts to implement the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of eighteen as soldiers;

"5. *Encourages*:

"(a) The Government of the Sudan to continue its cooperation with the United Nations in the field of human rights through the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights and its expert in Khartoum entrusted with the task of advising the Government on the development of national capacity to promote and protect human rights;

"(b) The Sudan People's Liberation Army/Movement to allow the people-to-people peace process to develop freely and unhindered and to consider it an important contribution to the peace process;

"6. *Calls upon* the international community:

"(a) To expand its support for activities aimed at improving respect for human rights and humanitarian law in the Sudan, in particular those of the Committee for the Eradication of Abduction of Women and Children, and to continue assisting in building up democratic and civil society structures in the Sudan;

"(b) To consider how to expand the Office of the United Nations High Commissioner for Human Rights to include a monitoring role aimed at improving respect for human rights and humanitarian law in the Sudan;

"7. *Decides* to continue its consideration of the situation of human rights in the Sudan at its fifty-eighth session, under the item entitled 'Human rights questions', in the light of further elements provided by the Commission on Human Rights."

14. At its 56th meeting, on 20 November, the Committee had before it a revised draft resolution (A/C.3/57/L.43/Rev.1), submitted by the sponsors of draft resolution A/C.3/57/L.43. Switzerland joined in sponsoring the revised draft resolution.

15. At the same meeting, the representative of Denmark, on behalf of the sponsors, orally revised draft resolution A/C.3/57/L.43/Rev.1 as follows:

(a) The words "and the two memorandums signed at the conclusion of the second round of peace talks on 18 November 2002" were added at the end of operative paragraph 1 (a);

(b) In operative paragraph 3 (c), the word "initial", which had appeared before the word "agreements", was deleted.

16. Also at the same meeting, the Committee adopted draft resolution A/C.3/57/L.43/Rev.1, as orally revised, by a recorded vote of 74 to 53, with 29 abstentions (see para. 46, draft resolution I). The voting was as follows:

*In favour*:

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan,

Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

*Against*:

Afghanistan, Algeria, Azerbaijan, Bahrain, Bangladesh, Benin, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Chad, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Ethiopia, Gabon, Gambia, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Morocco, Myanmar, Nepal, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Somalia, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo, Tunisia, Ukraine, United Arab Emirates, Viet Nam.

*Abstaining*:

Angola, Antigua and Barbuda, Belarus, Bhutan, Botswana, Cameroon, Cape Verde, Dominica, Eritrea, Ghana, Jamaica, Kenya, Lesotho, Madagascar, Malawi, Mongolia, Mozambique, Philippines, Saint Lucia, Senegal, Sierra Leone, Singapore, Sri Lanka, Thailand, Trinidad and Tobago, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

17. Before the adoption of the draft resolution, statements were made by the representatives of the Sudan, Suriname, Egypt, the United States of America, China and Pakistan; after its adoption, statements were made by the representatives of the Bahamas, Bangladesh, Chad and Japan (see A/C.3/57/SR.56).

## B. Draft resolution A/C.3/57/L.48

18. At the 49th meeting, on 14 November, the representative of Denmark, on behalf of Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Costa Rica, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, San Marino, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/57/L.48).

19. At its 54th meeting, on 19 November, the Committee had before it a statement of programme budget implications of draft resolution A/C.3/57/L.48, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/57/L.83).

20. At the same meeting, the Secretary orally corrected operative paragraph 5 (h) of the draft resolution by inserting the word "further" after the words "To recognize".

21. Also at the same meeting, the Committee adopted draft resolution A/C.3/57/L.48, as orally corrected, without a vote (see para. 46, draft resolution II).

22. Before the adoption of the draft resolution, statements were made by the representatives of Myanmar, Pakistan, Cuba, the Sudan, Egypt and Suriname; after its adoption, statements were made by the representatives of Japan, Bangladesh, Nepal, India, Indonesia, the Philippines, Thailand, China, Viet Nam, the Lao People's Democratic Republic and Cambodia (see A/C.3/57/SR.54).

## C. Draft resolution A/C.3/57/L.49

23. At the 49th meeting, on 14 November, the representative of Denmark, on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, San Marino, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Situation of human rights in Iraq" (A/C.3/57/L.49).

24. At the 57th meeting, on 21 November, the Secretary read out a statement by the Director of the Programme Planning and Budget Division of the Office of Programme Planning, Budget and Accounts concerning the draft resolution (see A/C.3/57/SR.57).

25. At the same meeting, the representative of Denmark, on behalf of the sponsors, orally revised the draft resolution as follows:

(a) After the eighth preambular paragraph, a new preambular paragraph was inserted, reading:

"*Concerned* about the lack of procedural and substantive safeguards in the administration of justice in Iraq, including in the application of the death penalty";

(b) In operative paragraph 1 (a), the words "which set the stage for", were replaced by the words "which could serve as a basis for";

(c) Operative paragraph 2, which had read:

"2. *Notes* that the Government of Iraq has responded in writing to some requests for information made by the Special Rapporteur on the situation of human rights in Iraq",

was replaced by:

"2. *Notes* that:

"(a) The Government of Iraq has responded in writing to some requests for information made by the Special Rapporteur on the situation of human rights in Iraq;

"(b) The Government of Iraq has accepted a second visit by the Special Rapporteur";

(d) Operative paragraph 5 (j), which had read:

"To reply urgently in writing to the request made by the Special Rapporteur for another visit to the country, and to proceed with the planning arrangements jointly with the Special Rapporteur",

was deleted and the remaining subparagraphs were renumbered accordingly.

26. Albania, Japan, New Zealand, Switzerland and the United States of America joined in sponsoring the draft resolution, as orally revised.

27. Also at the same meeting, the representative of Iraq made a statement (see A/C.3/57/SR.57).

28. Also at the 57th meeting, at the request of the representative of the Russian Federation, the Committee voted separately on operative paragraphs 4 (a), 4 (b), 4 (e) and 4 (f) of the draft resolution.

29. The Committee retained operative paragraph 4 (a) by a recorded vote of 76 to 8, with 72 abstentions. The voting was as follows:

*In favour*:

Albania, Andorra, Argentina, Australia, Austria, Barbados, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Yugoslavia.

*Against*:

China, Cuba, Libyan Arab Jamahiriya, Nigeria, Russian Federation, Sudan, Syrian Arab Republic, Viet Nam.

*Abstaining*:

Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Comoros, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Ethiopia, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Jamaica, Jordan, Kazakhstan, Kenya, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Pakistan, Philippines, Qatar, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Swaziland, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Zambia, Zimbabwe.

30. The Committee retained operative paragraph 4 (b) by a recorded vote of 76 to 8, with 71 abstentions. The voting was as follows:

*In favour*:

Albania, Andorra, Argentina, Australia, Austria, Barbados, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Yugoslavia.

*Against*:

China, Cuba, Libyan Arab Jamahiriya, Nigeria, Russian Federation, Sudan, Syrian Arab Republic, Viet Nam.

*Abstaining*:

Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Belize, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Comoros, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Ethiopia, Gambia, Ghana, Guyana, Haiti, Honduras, India, Indonesia, Jamaica, Jordan, Kazakhstan, Kenya, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Pakistan, Philippines, Qatar, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Swaziland, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Zambia, Zimbabwe.

31. The Committee retained operative paragraph 4 (e) by a recorded vote of 76 to 8, with 71 abstentions. The voting was as follows:

*In favour*:

Albania, Andorra, Argentina, Australia, Austria, Barbados, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Yugoslavia.

*Against*:

China, Cuba, Libyan Arab Jamahiriya, Nigeria, Russian Federation, Sudan, Syrian Arab Republic, Viet Nam.

*Abstaining*:

Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Comoros, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Ethiopia, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Jamaica, Jordan, Kazakhstan, Kenya, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Pakistan, Philippines, Qatar, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Swaziland, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Zambia, Zimbabwe.

32. The Committee retained operative paragraph 4 (f) by a recorded vote of 77 to 8, with 71 abstentions. The voting was as follows:

*In favour*:

Albania, Andorra, Argentina, Australia, Austria, Barbados, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Yugoslavia.

*Against*:

China, Cuba, Libyan Arab Jamahiriya, Nigeria, Russian Federation, Sudan, Syrian Arab Republic, Viet Nam.

*Abstaining*:

Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Comoros, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Ethiopia, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Jamaica, Jordan, Kazakhstan, Kenya, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Pakistan, Philippines, Qatar, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Swaziland, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Zambia, Zimbabwe.

33. At its 57th meeting, the Committee adopted draft resolution A/C.3/57/L.49 as a whole, as orally revised, by a recorded vote of 86 to 4, with 71 abstentions (see para. 46, draft resolution III). The voting was as follows:

*In favour*:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Yugoslavia.

*Against*:

Libyan Arab Jamahiriya, Nigeria, Sudan, Syrian Arab Republic.

*Abstaining*:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Haiti, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Pakistan, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Zambia, Zimbabwe.

34. Before the vote on the draft resolution, statements were made by the representatives of the Sudan and Tunisia; after the vote, statements were made by the representatives of the Syrian Arab Republic, Japan and Kuwait (see A/C.3/57/SR.57).

## D. Draft resolution A/C.3/57/L.50

35. At the 49th meeting, on 14 November, the representative of Denmark, on behalf of Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Poland, Portugal, Romania, San Marino, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Situation of human rights in the Democratic Republic of the Congo" (A/C.3/57/L.50).

36. At the 57th meeting, on 21 November, the Secretary read out a statement by the Director of the Programme Planning and Budget Division concerning the draft resolution (see A/C.3/57/SR.57).

37. At the same meeting, the representative of Denmark, on behalf of the sponsors, orally revised the draft resolution as follows:

(a) In the third preambular paragraph, the words "human rights instruments" were replaced by the words "human rights and humanitarian law instruments";

(b) At the end of the ninth preambular paragraph, the words "including in the Ituri region" were added;

(c) After the ninth preambular paragraph, a new preambular paragraph was inserted, reading:

"*Concerned* about the lack of procedural and substantive safeguards in the administration of justice in the Democratic Republic of the Congo";

(d) Operative paragraph 1 (c), which had read:

"The continuing dialogue between the authorities of the Democratic Republic of the Congo and Burundi and expresses the hope that this will result in the Democratic Republic of the Congo ceasing support for the rebel groups Front pour la défense de la démocratie and Forces nationales pour la libération and all Burundi government forces withdrawing from the territory of the Democratic Republic of the Congo, leading to the permanent normalization of relations between the two countries",

was replaced by:

"The continuing dialogue between the authorities of the Democratic Republic of the Congo and Burundi and expresses the hope that this will lead to the permanent normalization of relations between the two countries";

(e) In operative paragraph 1 (e), the words "notwithstanding the statements made by the Government" were deleted from the end of the paragraph;

(f) In operative paragraph 1 (h), the following words were inserted at the beginning of the paragraph:

"The commitment of the Democratic Republic of the Congo to cooperate with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and";

(g) In operative paragraph 1 (m), the words ", the Pretoria and Luanda peace agreements" were inserted after the words "Lusaka Ceasefire Agreement";

(h) The words "and urges that all perpetrators be brought to justice, referring to the statement by the President of the Security Council of 18 October 2002" were added at the end of operative paragraph 2 (b);

(i) The words "and notes in this regard Presidential decree No. 0223/2002 of 18 November 2002" were added at the end of operative paragraph 5 (c);

(j) In operative paragraph 5 (g), the words "To cooperate fully with" were replaced by the words "To continue to cooperate with" and the words "continue to" were inserted before the words "arrest all known *génocidaires*".

38. Albania, Japan and Switzerland joined in sponsoring the draft resolution, as orally revised.

39. Also at the 57th meeting, statements were made by the representatives of Rwanda, Denmark, the Democratic Republic of the Congo and Uganda (who also requested a vote on the draft resolution as a whole).

40. At the same meeting, the Committee voted on operative paragraph 1 (i), which was retained by a recorded vote of 125 to 1, with 26 abstentions. The voting was as follows:

*In favour*:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahrain, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Namibia, Netherlands, New Zealand, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia, Zambia, Zimbabwe.

*Against*:

United States of America.

*Abstaining*:

Azerbaijan, Bahamas, Bangladesh, Bhutan, Brunei Darussalam, Cameroon, Cape Verde, Egypt, Ethiopia, India, Indonesia, Iran (Islamic Republic of), Israel, Libyan Arab Jamahiriya, Malaysia, Marshall Islands, Mauritania, Myanmar, Nepal, Nicaragua, Pakistan, Qatar, Singapore, Sri Lanka, Turkey, Uganda.

41. Before the vote on operative paragraph 1 (i), statements were made by the representatives of the United States of America, Canada (on behalf also of Liechtenstein and the States Members of the United Nations that are members of the European Union), New Zealand, the Democratic Republic of the Congo, Norway and Switzerland (see A/C.3/57/SR.57).

42. The Committee then adopted draft resolution A/C.3/57/L.50 as a whole, as orally revised, by a recorded vote of 83 to 3, with 72 abstentions (see para. 46, draft resolution IV). The voting was as follows:

*In favour*:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

*Against*:

Nigeria, Rwanda, Uganda.

*Abstaining*:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Eritrea, Ethiopia, Gabon, Ghana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Zambia, Zimbabwe.

43. Before the vote on the draft resolution as a whole, statements were made by the representatives of the Democratic Republic of the Congo, Rwanda, Burundi and Uganda (see A/C.3/57/SR.57).

## E. Draft resolution A/C.3/57/L.71

44. At its 56th meeting, on 20 November, the Committee had before it a draft resolution entitled "Question of human rights in Afghanistan" (A/C.3/57/L.71), submitted by the Chairman on the basis of informal consultations.

45. At the same meeting, following a statement by the Chairman, the Committee adopted draft resolution A/C.3/57/L.71 without a vote (see para. 46, draft resolution V).

# III. Recommendations of the Third Committee

46. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

## Draft resolution I
## Situation of human rights in the Sudan

*The General Assembly*,

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

*Mindful* that the Sudan is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child,[2] the African Charter on Human and Peoples' Rights[3] and the Geneva Conventions of 12 August 1949 on the protection of the victims of war,[4]

*Recalling* its previous resolutions on the situation of human rights in the Sudan, and taking note of Commission on Human Rights resolution 2002/16 of 19 April 2002,[5]

*Taking note* of Security Council resolution 1372 (2001) of 28 September 2001,

*Noting with appreciation* the recent developments in the peace talks led by the Intergovernmental Authority on Development, and expressing its firm belief that human rights should become a key element in the peace talks in view of the link between sustainable peace and respect for human rights,

1. *Welcomes*:

(a) The Machakos Protocol of 20 July 2002 and the announcement that both parties have agreed to a cessation of hostilities in all areas following the signature of the memorandum of understanding between the Government of the Sudan and the Sudan People's Liberation Army/Movement on the resumption of negotiations on peace in the Sudan, the agreement on procedures for the unimpeded access of humanitarian aid signed by the Government of the Sudan, the Sudan People's Liberation Army/Movement and the United Nations, and the two memorandums signed at the conclusion of the second round of peace talks on 18 November 2002;

(b) The extension of the ceasefire agreement in the Nuba Mountains, signed on 19 January 2002 by the Government of the Sudan and the Sudan People's Liberation Army/Movement, as well as the Khartoum agreement to protect civilians and civilian facilities from military attacks, signed by the two parties on 10 March 2002;

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[1] Resolution 2200 A (XXI), annex.

[2] Resolution 44/25, annex.

[3] United Nations, *Treaty Series*, vol. 1520, No. 26363.

[4] Ibid., vol. 75, Nos. 970-973.

[5] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

(c) The commitment of the Government of the Sudan to facilitate the establishment of an independent national institution on human rights;

(d) The recent visit of the Secretary-General to the Sudan;

(e) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan[6] and the cooperation extended by the Government to the Special Rapporteur during his visits to the Sudan in February, March and October 2002;

(f) The cooperation extended by the Government of the Sudan and the Sudan People's Liberation Army/Movement to other United Nations mandate holders in the field of human rights, as well as their recent cooperation with the United Nations and other humanitarian agencies, to mitigate the effects of war on civilians, and emphasizes the need to adhere to the principle of full, safe and unhindered access and to strengthen the support provided to such agencies;

(g) The commitment of the Government of the Sudan to embark on a programme of civic education in democracy and to create an inter-party liaison mechanism in order to foster democratization;

(h) The establishment by the Government of the Sudan of an advisory council for Christians and its commitment to appoint Christians to senior executive positions in the Ministry for Religious Affairs and to promote inter-religious dialogue;

(i) Decree 14/2002 of 26 January 2002 of the President of the Sudan, by which the Committee for the Eradication of Abduction of Women and Children was re-established and further empowered, the Committee's facilitation of flights for the repatriation of abducted children and the intention of the Government to hold tribal conferences in the Kordofan and Darfur regions, as well as the facilitation and support provided by the Government and the Sudan People's Liberation Army/Movement to the International Eminent Persons Group, which investigated slavery, abduction and forced servitude in the Sudan during its visit in April and May 2002, the report issued by the Group on 22 May 2002 and the commitment of the Government and the Sudan People's Liberation Army/Movement to consider implementing the recommendations of the Group;[7]

(j) The signing of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;[8]

2. *Expresses its deep concern* at:

(a) The impact of the ongoing armed conflict on the situation of human rights and its adverse effects on the civilian population, in particular women, children and internally displaced persons, and at the continuing serious violations of human rights, fundamental freedoms and international humanitarian law by all parties to the conflict;

(b) The decision of the Government of the Sudan to maintain the state of emergency until the end of 2002;

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[6] A/57/326.

[7] Slavery, Abduction and Forced Servitude in Sudan: report of the International Eminent Persons Group, 22 May 2002, United States Department of State.

[8] Resolution 54/263, annex I.

(c) The occurrence of restrictions on freedom of thought, conscience, religion and belief and on freedom of association, assembly, opinion and expression;

(d) The cases of torture and ill-treatment of civilians, extrajudicial summary or arbitrary execution, arbitrary arrest, detention without trial and corporal punishment in its cruellest forms;

(e) The negative role of undisciplined southern militias, armed and supported by all parties to the conflict, which are responsible for killings, torture, kidnappings, rape, the burning of villages, the destruction of crops and the theft of livestock;

(f) The forced conscription and displacement, enforced or involuntary disappearances and other acts of intimidation and harassment directed against the population;

(g) The violation of the rights of women, including discrimination against women and girls, the harassment of women by security forces and the serious human rights abuses, such as killings, rape, abduction and female genital mutilation;

(h) The violations of the rights of the child, including the recruitment and use of children as soldiers and the subjection of children to forced labour, in contravention of human rights and international law;

(i) The extensive use of the death penalty, contrary to the obligations assumed by the Government of the Sudan under the provisions of the International Covenant on Civil and Political Rights[1] and other human rights instruments, the use of special courts, especially in Darfur, with military personnel appointed as judges and a lack of legal representation, the occurrence of group sentencing and the imposition of the death penalty on persons below eighteen years of age at the time of the commission of their crime, contrary to the obligations assumed by the Government of the Sudan under the Convention on the Rights of the Child,[2] all of which raises serious doubts regarding the validity of the legal processes;

(j) The abduction of women and children by tribal groups and other militias;

(k) The numerous and repeated difficulties encountered by United Nations and humanitarian staff in carrying out their mandate in the Sudan and the conditions imposed on humanitarian organizations, in contravention of humanitarian principles, in particular the denial of access to them, which has had grave consequences for the civilian population affected by the armed conflict and led to the withdrawal of many such organizations prior to the agreement on procedures for unimpeded access of humanitarian aid;

(l) The forced displacement of populations in the Sudan as a result of the armed conflict, in particular in areas surrounding the oilfields;

(m) The continuation of indiscriminate aerial bombardment of civil targets and indiscriminate artillery shelling of the civilian population, as well as the use of civilian premises for military purposes;

3. *Urges* all parties to the conflict in the Sudan:

(a) To seize the prospect of peace to ensure continuing progress in the fields of human rights, democratization and the rule of law and create a climate of mutual trust and confidence that will be the basis for a viable peace and facilitate reconciliation;

(b) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, in particular the need to ensure the protection of civilians and civilian premises, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(c) To adhere to agreements signed within the framework of the Machakos Protocol, to take necessary measures to facilitate the peace negotiations and to work actively towards the establishment of a just and viable peace, based on respect of human rights and the principles of democratization and the rule of law, within the context of the Intergovernmental Authority on Development peace process;

(d) To enhance the implementation of the Khartoum agreement to protect civilians and civilian facilities from military attacks, and in particular urges the Government of the Sudan to cease immediately all indiscriminate aerial bombardments of and attacks against the civilian population and civilian installations and the Sudan People's Liberation Army/Movement and to cease immediately the indiscriminate artillery shelling of the civilian population, the use of civilian premises for military purposes, the misappropriation of humanitarian assistance and the diversion of relief supplies, including food, from their civilian recipients;

(e) To refrain from undertaking military activities as a demonstration of their willingness to seek a peaceful solution to the long-standing conflict and to adhere to a comprehensive ceasefire as part of a just peace negotiation process;

(f) To stop the support provided to and use of tribal militias that commit grave human rights abuses;

(g) To continue adhering to the agreement on procedures for unimpeded access of humanitarian aid to secure full, safe and unhindered access to all international agencies and humanitarian organizations in order to facilitate by all possible means the delivery of humanitarian assistance, in conformity with relevant provisions of international humanitarian law, to all civilians in need of protection and assistance and to continue to cooperate with the Office for the Coordination of Humanitarian Affairs of the Secretariat of the United Nations and Operation Lifeline Sudan;

(h) Not to use or recruit children under the age of eighteen as soldiers, to continue demobilizing child soldiers, to refrain from the practice of forced conscription and to fulfil the commitments made concerning the protection of children affected by war, including cessation of the use of anti-personnel landmines, attacks on sites at which there is usually a significant presence of children and the abduction and exploitation of children, as well as to ensure access to and the return of displaced and unaccompanied minors and to reunite them with their families;

4. *Calls upon* the Government of the Sudan:

(a) To comply fully with its obligations under international human rights instruments to which the Sudan is a party, to promote and protect human rights and fundamental freedoms and to respect its obligations under international humanitarian law;

(b) To fulfil its commitments to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[9] to sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women,[10] and to consider ratifying the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction;[11]

(c) To end the state of emergency now that the stated reasons for its imposition have been resolved, namely, through the constitutional amendment allowing the Presidential appointment of governors, and to make further efforts to promote an environment conducive to a genuine process of democratization that reflects the aspirations of the people and ensures their full participation;

(d) To end impunity for human rights violations and to try perpetrators in accordance with the rule of law, as well as to strengthen the role of the Advisory Council on Human Rights in the investigation of all reported human rights violations, including acts of torture;

(e) To fulfil its commitment to establish an independent national institution on human rights and to create a general legal framework that will facilitate the establishment of organizations in the field of human rights and to further encourage and support the Advisory Council on Human Rights in enhancing the promotion of human rights in the Sudan through its various activities, including its advisory services and advocacy activities;

(f) To ensure full respect for freedom of religion and conscience and in this regard to take measures to end discrimination based on religion;

(g) To ensure full respect for freedom of association, assembly, opinion, thought and expression throughout the territory of the Sudan and to implement fully existing legislation, in particular the Associations and Political Parties Act;

(h) To raise the age of criminal responsibility for children in order to take into account the observations of the Committee on the Rights of the Child;

(i) To continue and to reinforce its efforts to prevent and stop the abduction of women and children that is taking place within the framework of the conflict in southern Sudan;

(j) To make concerted efforts to restrain the activities of the Murahaleen and other tribal militias, to stop financing and equipping them and to uphold suspension of the use of the government train to Bahr-el-Ghazal until such time as peace is established;

(k) To cease the forced displacement of populations by any means, in particular in areas surrounding the oilfields, to continue its efforts to address effectively the worsening problem of internally displaced persons, including by implementing the commitments made to the Special Representative of the Secretary-General on Internally Displaced Persons and ensuring their access to effective protection and assistance;

(l) To liberalize the system for maintaining public order;

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[9] Resolution 39/46, annex.

[10] Resolution 34/180, annex.

[11] See CD/1478.

(m) To implement the Standard Minimum Rules for the Treatment of Prisoners;[12]

(n) To ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations assumed under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the provisions of United Nations safeguards;

(o) To make further efforts to implement the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of eighteen as soldiers and to enforce national laws that prevent the recruitment of children in armed conflicts;

5. *Encourages*:

(a) The Government of the Sudan to continue its cooperation with the United Nations in the field of human rights through the Special Rapporteur of the Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights and its expert in Khartoum entrusted with the task of advising the Government on the development of national capacity to promote and protect human rights;

(b) The Sudan People's Liberation Army/Movement to allow the people-to-people peace process to develop freely and unhindered and to consider it an important contribution to the peace process;

6. *Calls upon* the international community to expand its support for activities aimed at improving respect for human rights and humanitarian law in the Sudan, in particular those of the Committee for the Eradication of Abduction of Women and Children, to continue assisting national efforts to build up democratic and civil society structures in the Sudan and to consider how to expand the Office of the United Nations High Commissioner for Human Rights to include a monitoring role;

7. *Decides* to continue its consideration of the situation of human rights in the Sudan at its fifty-eighth session, under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

## Draft resolution II
## Situation of human rights in Myanmar

*The General Assembly*,

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights,[13] the International Covenants on Human Rights[14] and other human rights instruments,

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[12] See *Human Rights: A Compilation of International Instruments*, volume I (First Part) (United Nations publication, Sales No. E.94.XIV.1 (Vol. I, Part 1)).

[13] Resolution 217 A (III).

[14] Resolution 2200 A (XXI), annex.

*Reaffirming* that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field,

*Aware* that Myanmar is a party to the Convention on the Rights of the Child,[15] the Convention on the Elimination of All Forms of Discrimination against Women,[16] the Geneva Conventions of 12 August 1949 on the protection of the victims of war,[17] as well as the Convention concerning forced or compulsory labour (Convention No. 29) of 1930 and Convention concerning freedom of association and protection of the right to organize (Convention No. 87) of 1948 of the International Labour Organization,

*Recalling* its previous resolutions on the subject, the most recent of which is resolution 56/231 of 24 December 2001, and those of the Commission on Human Rights, the most recent of which is resolution 2002/67 of 25 April 2002,[18]

*Recalling* resolution I adopted by the International Labour Conference at its eighty-eighth session, on 14 June 2000, concerning the practice of forced or compulsory labour in Myanmar,

*Affirming* that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,

*Affirming also* that the establishment of a genuine democratic government in Myanmar is essential for the realization of all human rights and fundamental freedoms,

1. *Welcomes*:

(a) The preliminary steps taken by the Government of Myanmar towards democracy, in particular the release from house arrest of Aung San Suu Kyi on 6 May 2002 and her subsequent internal freedom of movement, the release of a number of political prisoners and the relaxation of some constraints on some political activities of the National League for Democracy;

(b) The appointment by the International Labour Organization of a liaison officer in Myanmar as a first step towards the establishment of its full and effective representation in Myanmar;

(c) The visits to Myanmar by the Special Envoy of the Secretary-General for Myanmar during the past year, the visits by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, and the cooperation extended to them by the Government of Myanmar;

(d) The continuing cooperation with the International Committee of the Red Cross;

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[15] Resolution 44/25, annex.

[16] Resolution 34/180, annex.

[17] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[18] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

(e) The dissemination of human rights standards for public officials and some non-governmental organizations and ethnic groups through the convening of a series of human rights workshops;

2. *Notes* the establishment by the Government of Myanmar of a committee on human rights as a precursor to the establishment of a national human rights commission, which would follow the Principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 of 20 December 1993;

3. *Expresses its grave concern* at:

(a) The ongoing systematic violation of the human rights, including civil, political, economic, social and cultural rights, of the people of Myanmar;

(b) Extrajudicial killings; rapes and other forms of sexual violence carried out by members of the armed forces; torture; renewed instances of political arrests and continuing detentions, including of prisoners who have served their sentences; forced relocation; destruction of livelihoods; forced labour; denial of freedom of assembly, association, expression and movement; discrimination on the basis of religious or ethnic background; wide disrespect for the rule of law and lack of independence of the judiciary; deeply unsatisfactory conditions of detention; systematic use of child soldiers; and violations of the right to an adequate standard of living, in particular food and medical care, and to education;

(c) The disproportionate suffering of members of ethnic minorities, women and children from such violations;

(d) The situation of the large number of internally displaced persons and the flow of refugees to neighbouring countries;

(e) The ever-increasing impact of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) on the population of Myanmar;

4. *Calls upon* the Government of Myanmar:

(a) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of the administration of justice;

(b) To take immediate action to implement fully concrete legislative, executive and administrative measures to eradicate the practice of forced labour and to implement fully the recommendations of the Commission of Inquiry established to examine the observance by Myanmar of the International Labour Organization Convention concerning forced or compulsory labour (Convention No. 29) of 1930;

(c) To pursue the dialogue with the International Labour Organization with a view to full and effective representation of the Organization in Myanmar;

(d) To ensure safe and unhindered access to the United Nations and international humanitarian organizations and to cooperate fully with all sectors of society by means of consultation, especially with the National League for Democracy and other relevant political, ethnic and community-based groups, to ensure the provision of humanitarian assistance and to guarantee that it does reach the most vulnerable groups of the population;

(e) To continue to cooperate with the Special Envoy of the Secretary-General for Myanmar and the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar;

(f) To consider as a matter of high priority becoming a party to the International Covenant on Civil and Political Rights,[14] the International Covenant on Economic, Social and Cultural Rights,[14] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[19] the International Convention on the Elimination of All Forms of Racial Discrimination,[20] the Convention relating to the Status of Refugees[21] and the Protocol thereto,[22] the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict[23] and the International Labour Organization Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (Convention No. 182) of 1999;

(g) To pursue through dialogue and peaceful means an end to conflict with all ethnic groups in Myanmar;

5. *Strongly urges* the Government of Myanmar:

(a) To restore democracy and implement the results of the 1990 elections, to ensure that the contacts with Aung San Suu Kyi and other leaders of the National League for Democracy move without delay into substantive and structured dialogue towards democratization and national reconciliation and at an early stage to include other political leaders in the talks, including the representatives of the ethnic groups;

(b) To end the systematic violations of human rights in Myanmar, to ensure full respect for all human rights and fundamental freedoms, to end impunity and to investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

(c) To facilitate and cooperate fully with an independent international investigation of charges of rape and other abuse of civilians carried out by members of the armed forces in Shan and other states;

(d) To release unconditionally and immediately all political prisoners;

(e) To put an immediate end to the recruitment and use of child soldiers and to extend full cooperation to relevant international organizations in order to ensure the demobilization of child soldiers, their return home and their rehabilitation;

(f) To lift all restraints on peaceful political activity, including guaranteeing freedom of association and freedom of expression, including freedom of the media;

(g) To end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons and to respect the right of refugees to a voluntary, safe and dignified return monitored by appropriate international agencies;

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[19] Resolution 39/46, annex.

[20] Resolution 2106 A (XX), annex.

[21] United Nations, *Treaty Series*, vol. 189, No. 2545.

[22] Ibid., vol. 606, No. 8791.

[23] Resolution 54/263, annex I.

(h) To recognize further the gravity of the situation regarding HIV/AIDS and the need to take the necessary action to combat the epidemic, including the effective implementation in Myanmar of the United Nations joint action plan on HIV/AIDS, in cooperation with all relevant political and ethnic groups;

6. *Requests* the Secretary-General to continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and people of Myanmar, to submit additional reports to the General Assembly during its fifty-seventh session on the progress of those discussions, and to report to the Assembly at its fifty-eighth session and to the Commission on Human Rights at its fifty-ninth session on the progress made in the implementation of the present resolution;

7. *Decides* to continue the consideration of this question at its fifty-eighth session.

## Draft resolution III
## Situation of human rights in Iraq

*The General Assembly*,

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights,[24] the International Covenants on Human Rights[25] and other human rights instruments,

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

*Aware* that Iraq is a party to the International Covenants on Human Rights, other international human rights instruments and the Geneva Conventions of 12 August 1949 on the protection of the victims of war,[26]

*Recalling* its previous resolutions on this subject, the most recent of which is resolution 56/174 of 19 December 2002, and those of the Commission on Human Rights, the most recent of which is resolution 2002/15 of 19 April 2002,[27]

*Recalling also* Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention, Council resolution 687 (1991) of 3 April 1991, Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected, Council resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998, 1242 (1999) of 21 May 1999, 1266 (1999) of 4 October 1999, 1281 (1999) of 10 December 1999, 1302 (2000) of 8 June 2000, 1330 (2000)

[24] Resolution 217 A (III).

[25] Resolution 2200 A (XXI), annex.

[26] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[27] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

of 5 December 2000, 1352 (2001) of 1 June 2001, 1360 (2001) of 3 July 2001 and 1382 (2001) of 29 November 2001, in which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies, Council resolution 1284 (1999) of 17 December 1999, in which the Council, by means of a comprehensive approach to the situation in Iraq, inter alia, removed the ceiling for the allowable import of Iraqi oil in order to increase the amount of revenue available for the purchase of humanitarian supplies, laid down new provisions and procedures designed to improve the implementation of the humanitarian programme and to further achievement in meeting the humanitarian needs of the Iraqi population and reiterated the obligation of Iraq to facilitate the repatriation of all Kuwaiti and third-country nationals referred to in paragraph 30 of Council resolution 687 (1991), and the most recent resolution of the Council, 1409 (2002) of 14 May 2002, in which the Council significantly eased the United Nations sanctions on Iraq,

*Taking note* of the concluding observations of the Human Rights Committee,[28] the Committee on the Elimination of Racial Discrimination,[29] the Committee on Economic, Social and Cultural Rights,[30] the Committee on the Rights of the Child[31] and the Committee on the Elimination of Discrimination against Women[32] on the most recent reports submitted to them by Iraq, in which these treaty-monitoring bodies point to a wide range of human rights problems and express the view that the Government of Iraq remains bound by its treaty obligations, while pointing to the adverse effect of sanctions on the daily life of the population, in particular women and children,

*Reaffirming* that it is the responsibility of the Government of Iraq to ensure the well-being of its entire population and the full enjoyment of all human rights and fundamental freedoms,

*Deploring* all violations of human rights and international humanitarian law in Iraq, as mentioned in the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq,[33]

*Concerned* about the lack of procedural and substantive safeguards in the administration of justice in Iraq, including in the application of the death penalty,

*Appealing* to all concerned to fulfil their mutual obligations in the management of the humanitarian programme referred to in Security Council resolution 986 (1995) and other relevant Security Council resolutions,

1. *Welcomes*:

(a) The report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq[33] and the exploratory visit by the Special Rapporteur to Iraq from 11 to 15 February 2002, which could serve as a basis for future cooperation and constructive dialogue;

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[28] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 40* (A/53/40), vol. I, paras. 90-111.

[29] Ibid., *Fifty-fourth Session, Supplement No. 18* (A/54/18), paras. 337-361.

[30] *Official Records of the Economic and Social Council, 1998, Supplement No. 2* (E/1998/22), paras. 245-283.

[31] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 41* (A/55/41), paras. 304-333.

[32] Ibid., *Supplement No. 38* (A/55/38), part II, chap. IV, sect. B, paras. 166-210.

[33] See A/57/325.

(b) Security Council resolution 1409 (2002), in which all exports to Iraq are allowed except for items which are on the goods review list[34] and which are therefore subject to review by the sanctions Committee;

2. *Notes* that:

(a) The Government of Iraq has responded in writing to some requests for information made by the Special Rapporteur on the situation of human rights in Iraq;

(b) The Government of Iraq has accepted a second visit by the Special Rapporteur;

3. *Gravely concerned* that there has been no improvement in the situation of human rights in the country;

4. *Strongly condemns*:

(a) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) The suppression of freedom of thought, religion and belief, expression, information, association, assembly and movement through fear of arrest, imprisonment, execution, expulsion, house demolition and other sanctions;

(c) The repression faced by any kind of opposition, in particular the harassment and intimidation of and threats against Iraqi opponents living abroad and members of their families;

(d) The widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights[25] and the United Nations safeguards;

(e) Summary and arbitrary executions, including political killings and the continuing prison cleansing, the use of rape as a political tool, as well as enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(f) Widespread, systematic torture and the maintaining of decrees prescribing cruel and inhuman punishment as a penalty for offences;

5. *Calls upon* the Government of Iraq:

(a) To abide by its freely undertaken obligations under international human rights instruments and international humanitarian law to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To end all summary and arbitrary executions and the imposition of the death penalty for crimes committed by persons under the age of eighteen years, and to ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations it has assumed under the International Covenant on Civil and Political Rights and the provisions of United Nations safeguards;

[34] See S/2002/515, annex.

(c) To establish a moratorium on executions;

(d) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(e) To establish the independence of the judiciary and to abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(f) To abolish the functioning of the temporary special courts and ensure that the rule of law is respected at all times throughout the territory of Iraq in accordance with its freely undertaken obligation under international human rights instruments;

(g) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur;

(h) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression, and to ensure that the genuine will of the people shall be the basis of the authority of the State;

(i) To cooperate fully with the relevant mechanisms of the Commission on Human Rights, in particular its Special Rapporteur on the situation of human rights in Iraq, and to ensure his access to Iraq, without preconditions, including access to any person deemed appropriate by the Special Rapporteur, so that he may discharge his mandate fully;

(j) To implement the recommendations of the Special Rapporteur by providing detailed and comprehensive replies to letters relating to allegations of human rights violations transmitted by the Special Rapporteur and by allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(k) To ensure the free exercise of political opposition and to prevent the intimidation and repression of political opponents and their families;

(l) To respect the rights of all ethnic and religious groups and to cease immediately its continuing repressive practices, including the practice of forced deportation and relocation, aimed at the Iraqi Kurds, Assyrians and Turkmen, and to ensure the personal integrity and freedoms of all citizens, including the Shi'ah population;

(m) To cooperate fully with the Tripartite Commission and its Technical Subcommittee to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals, victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for that purpose, to cooperate with the high-level coordinator of the Secretary-General for the repatriation of all Kuwaiti and third-country nationals and Kuwaiti property in implementation of section B of Security Council resolution 1284 (1999) of 17 December 1999, to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities,

through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991, to release immediately all Kuwaitis and nationals of other States who may still be held in detention and inform families of the whereabouts of arrested persons, to provide information about death sentences imposed on prisoners of war and civilian detainees, and to issue death certificates for deceased prisoners of war and civilian detainees;

(n) To cooperate further with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(o) To continue to cooperate in the implementation of Security Council resolutions dealing with humanitarian and human rights matters;

(p) To cooperate in the identification of the minefields existing throughout Iraq, with a view to facilitating their marking and eventual clearing;

6. *Requests* the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and decides to continue the examination of the situation of human rights in Iraq at its fifty-eighth session, under the item entitled "Human rights questions".

## Draft resolution IV
## Situation of human rights in the Democratic Republic of the Congo

*The General Assembly*,

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights,[35] the International Covenants on Human Rights[36] and other human rights instruments,

*Reaffirming* that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field,

*Aware* that the Democratic Republic of the Congo is a party to several international human rights and humanitarian law instruments,[37]

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[35] Resolution 217 A (III).

[36] Resolution 2200 A (XXI), annex.

[37] Inter alia, the International Covenant on Civil and Political Rights (resolution 2200 A (XXI), annex), the International Covenant on Economic, Social and Cultural Rights (resolution 2200 A (XXI), annex), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 39/46, annex), the Convention on the Elimination of All Forms of Discrimination against Women (resolution 34/180, annex), the International Convention on the Elimination of All Forms of Racial Discrimination (resolution 2106 A (XX), annex), the Convention on the Rights of the Child (resolution 44/25, annex) and the two optional protocols thereto (resolution 54/263, annexes I and II), the Convention on the Prevention and Punishment of the Crime of Genocide (resolution 260 A (III)), the Geneva Conventions of 12 August 1949 on the protection of the victims of war (United Nations, *Treaty Series*, vol. 75, Nos. 970-973) and the first Additional Protocol thereto, of 1977 (United Nations, *Treaty Series*, vol. 1125, No. 17512), as well as the African Charter on Human and Peoples' Rights (United Nations, *Treaty Series*, vol. 1520, No. 26363).

*Recalling* its previous resolutions on the subject, the most recent of which is resolution 56/173 of 19 December 2001, and those of the Commission on Human Rights, the most recent of which is resolution 2002/14 of 19 April 2002,[38] as well as Security Council resolutions on the subject, the most recent of which is resolution 1417 (2002) of 14 June 2002,

*Recalling also* the Ceasefire Agreement signed at Lusaka,[39] as well as the Kampala disengagement plan[40] the Harare sub-plans for disengagement and redeployment, and the peace agreements signed at Pretoria[41] and Luanda,

*Encouraging* all Congolese parties to use the present momentum to promote an all-inclusive conclusion of the inter-Congolese dialogue,

*Noting* that the promotion and the protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the environment necessary for cooperation among States in the region,

*Concerned* at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo by parties to the conflict, as mentioned in the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo, including in the Ituri region,[42]

*Concerned in particular* at continuing violations of human rights and international humanitarian law in the eastern part of the Democratic Republic of the Congo,

*Concerned* about the lack of procedural and substantive safeguards in the administration of justice in the Democratic Republic of the Congo,

*Recalling* its decision to request the special rapporteurs of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission of investigation in the Democratic Republic of the Congo, while regretting that the security situation has not yet allowed such a mission,

1. *Welcomes*:

(a) The Peace Agreement, signed at Pretoria on 30 July 2002, between the Governments of the Democratic Republic of the Congo and the Republic of Rwanda on the Withdrawal of the Rwandan Troops from the Territory of the Democratic Republic of the Congo and the Dismantling of the former Forces armées rwandaises and Interahamwe Forces in the Democratic Republic of the Congo and the programme of implementation of that Agreement;[41]

(b) The Peace Agreement, signed at Luanda on 6 September 2002, between the Governments of the Democratic Republic of the Congo and the Republic of

[38] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[39] S/1999/815, annex.

[40] See S/2000/330 and Corr.1, paras. 21-28.

[41] See S/2002/914, annex.

[42] A/57/349 and A/57/437.

Uganda on the withdrawal of Ugandan troops from the Democratic Republic of the Congo and cooperation and normalization of relations between the two countries;

(c) The continuing dialogue between the authorities of the Democratic Republic of the Congo and Burundi, and expresses the hope that this will lead to the permanent normalization of relations between the two countries;

(d) The significant withdrawals of foreign troops from the territory of the Democratic Republic of the Congo;

(e) The release by the Government of the Democratic Republic of the Congo of some human rights defenders, its lifting of some restrictions on non-governmental organizations and its adoption of Law No. 001 of 17 May 2001, on political parties;

(f) The commitment by the Government of the Democratic Republic of the Congo to cooperate with United Nations agencies, non-governmental organizations and the World Bank to prepare for and implement demobilization and reintegration programmes, in particular for child soldiers;

(g) The ratification in 2001 by the Democratic Republic of the Congo of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;[43]

(h) The commitment of the Democratic Republic of the Congo to cooperate with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the recent arrest and transferral to Arusha of a prominent suspect in the Rwandan genocide;

(i) The ratification in 2002 by the Democratic Republic of the Congo of the Statute of the International Criminal Court;[44]

(j) The reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo[42] and her visit to the country from 13 to 19 February 2002;

(k) The action taken by the human rights field office in the Democratic Republic of the Congo;

(l) The release and repatriation carried out under the auspices of the International Committee of the Red Cross in the Democratic Republic of the Congo, in conformity with international humanitarian law, of persons at risk because of their ethnic origin and of prisoners of war;

(m) The continuing presence and increased deployment of the United Nations Organization Mission in the Democratic Republic of the Congo in support of the implementation of the Lusaka Ceasefire Agreement, the Pretoria and Luanda peace agreements and the relevant Security Council resolutions;

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[43] Resolution 54/263, annex I.

[44] A/CONF.183/9.

(n) The work of the Special Representative of the Secretary-General for the Democratic Republic of the Congo and Chief of the United Nations Organization Mission in the Democratic Republic of the Congo;

2. *Condemns*:

(a) The continuing violations of human rights, fundamental freedoms and international humanitarian law, including acts of and incitement to ethnic hatred and violence and atrocities against civilian populations, generally committed with complete impunity;

(b) All massacres and atrocities committed in the Democratic Republic of the Congo, as constituting indiscriminate and disproportionate use of force, in particular those occurring in areas held by armed rebels or under foreign occupation, referring in this regard to the statement by the President of the Security Council of 23 July 2002 on the massacres that occurred in the region of Kisangani on 14 May 2002 and in the ensuing period,[45] and urges that all perpetrators be brought to justice, referring in this regard to the statement by the President of the Security Council of 18 October 2002;[46]

(c) The reprisals against civilian populations in parts of the country controlled by the Congolese Rally for Democracy, Rwanda and Uganda;

(d) The occurrence of cases of summary and arbitrary execution, disappearance, torture, beating, harassment and arrest, the persecution of individuals and the arbitrary detention for long periods of persons, including journalists, opposition politicians, human rights defenders, people who have cooperated with the United Nations mechanisms and other members of civil society;

(e) The indiscriminate attacks on civilian populations and on hospitals in areas held by rebel and by foreign forces;

(f) The recruitment and use of child soldiers by armed forces and groups, including the abduction of children throughout the territory of the Democratic Republic of the Congo, in contravention of international human rights standards;

(g) The widespread use of sexual violence against women and children, including as a means of warfare;

3. *Expresses its concern* at:

(a) The adverse impact of the conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo, including the increase in the number of refugees and displaced persons, in particular in the eastern part of the country;

(b) The breaches of freedom of expression, opinion, association and assembly throughout the territory of the Democratic Republic of the Congo, in particular in the eastern part of the country;

(c) The intention of the Government of the Democratic Republic of the Congo to suspend the moratorium on the carrying out of the death penalty;

[45] S/PRST/2002/22.
[46] S/PRST/2002/27.

(d) The illegal exploitation of the natural resources of the Democratic Republic of the Congo, in view of the link between that exploitation and the conflict;

(e) The excessive accumulation and spread of small arms and the distribution, circulation and illicit trafficking of arms in the region and their negative impact on human rights;

(f) The severe insecurity, which seriously hampers the ability of humanitarian organizations to secure access to affected populations, particularly in the zones held by armed rebels and under the control of foreign forces, while condemning the killing of six humanitarian workers of the International Committee of the Red Cross on 26 April 2001 in the eastern part of the Democratic Republic of the Congo and the fact that those responsible have not yet been brought to justice;

4. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(a) To cease, in accordance with all the relevant agreements and resolutions, all military activities in the country in order to facilitate, without delay, the re-establishment of the sovereignty and territorial integrity of the Democratic Republic of the Congo;

(b) To acknowledge that the peace agreements signed at Pretoria and Luanda present an unprecedented opportunity to bring peace to the entire country and therefore to suspend their armed campaigns and avoid seeking retribution against their former adversaries, which will only serve to prolong the agony of the Congolese people and the appalling humanitarian and human rights conditions that they have suffered;

(c) To implement all necessary measures to put an end to the widespread violations of human rights and to impunity, in particular with regard to the sexual violence against women and children;

(d) To allow free and secure access to areas under their control in order to permit investigations of violations of human rights and international human rights law;

(e) To respect international humanitarian law, in particular to ensure the safety of all civilians, and to take and implement all necessary measures to create conditions for the voluntary return of all refugees and displaced persons;

(f) To ensure the safety, security and freedom of movement of United Nations and associated personnel and the unhindered access of humanitarian personnel to all affected populations throughout the territory of the Democratic Republic of the Congo;

(g) To cooperate fully with the National Commission of Inquiry on the alleged massacres of a large number of refugees and displaced persons in the Democratic Republic of the Congo;

(h) To extend full cooperation to the United Nations system, humanitarian organizations and the World Bank in order to ensure the rapid demobilization and reintegration of armed groups and of child soldiers in particular;

5. *Calls upon* the Government of the Democratic Republic of the Congo to take specific measures:

(a) To comply fully with its obligations under international human rights law and to promote and protect human rights and fundamental freedoms;

(b) To prevent conditions that might lead to further flows of displaced persons and refugees in the Democratic Republic of the Congo and across its borders;

(c) To continue to honour its commitments to reform and restore the judicial system, to abolish the death penalty and to reform military justice, including that of putting an end to the trying of civilians by the military court, in conformity with the provisions of the International Covenant on Civil and Political Rights,[36] and notes in this regard Presidential decree No. 0223/2002 of 18 November 2002;

(d) To put an end to impunity and to ensure that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice;

(e) Together with other parties to the inter-Congolese dialogue to reach agreement with the utmost urgency on a fully inclusive transitional government which can assert its authority and re-establish order throughout the territory of the Democratic Republic of the Congo;

(f) To continue to facilitate and further strengthen its cooperation with the human rights field office in the Democratic Republic of the Congo;

(g) To continue to cooperate with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, and demands that the Government of the Democratic Republic of the Congo continue to arrest all known *génocidaires* in its territory;

6. *Calls upon* the Governments whose forces are in occupation of part of the territory of the Democratic Republic of the Congo to respect human rights and international humanitarian law in the areas still under their control and to withdraw their troops;

7. *Calls upon* the international community to support the human rights field office in the Democratic Republic of the Congo in order to make possible the effective implementation of its programmes;

8. *Decides*:

(a) To continue to examine the situation of human rights in the Democratic Republic of the Congo and to request the Special Rapporteur of the Commission on Human Rights to report to the General Assembly at its fifty-eighth session;

(b) To request the special rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out, as soon as security considerations permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate

alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo between 1996 and 1997, a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo with a view to bringing to justice those responsible, and to report to the Commission on Human Rights at its fifty-ninth session and to the General Assembly at its fifty-eighth session;

(c) To request the Secretary-General to give the special rapporteurs and the joint mission all necessary assistance to enable them to discharge their mandate fully;

(d) To request the United Nations High Commissioner for Human Rights to provide the technical skills needed by the joint mission to discharge its mandate.

## Draft resolution V
## Question of human rights in Afghanistan

*The General Assembly*,

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights,[47] the International Covenants on Human Rights[48] and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949[49] and the Additional Protocols thereto, of 1977,[50]

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

*Recalling* that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,[51] the International Covenant on Civil and Political Rights,[48] the International Covenant on Economic, Social and Cultural Rights,[48] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[52] the Convention on the Rights of the Child,[53] the Geneva Convention relative to the Protection of Civilian Persons in Time of War[54] and the conventions of the International Labour Organization on equal remuneration (Convention No. 100) and on the abolition of forced labour (Convention No. 105), and recalling that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,[55]

*Welcoming* the accession of Afghanistan to the Optional Protocols to the Convention on the Rights of the Child, on the involvement of children in armed conflict,[56] and on the sale of children, child prostitution and child pornography,[57]

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[47] Resolution 217 A (III).
[48] Resolution 2200 A (XXI), annex.
[49] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[50] Ibid., vol. 1125, Nos. 17512 and 17513.
[51] Resolution 260 A (III).
[52] Resolution 39/46, annex.
[53] Resolution 44/25, annex.
[54] United Nations, *Treaty Series*, vol. 75, No. 973.
[55] Resolution 34/180, annex.
[56] Resolution 54/263, annex I.
[57] Ibid., annex II.

and to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction,[58]

*Recalling also* that, as a State party to those international instruments, Afghanistan has the obligation to report on their implementation,

*Recalling* all its relevant resolutions, as well as the resolutions and presidential statements of the Security Council, the decisions of the Economic and Social Council, the resolutions and decisions of the Commission on Human Rights and the resolutions of the Commission on the Status of Women,

*Recalling also* Security Council resolutions 1333 (2000) of 19 December 2000, 1378 (2001) of 14 November 2001, 1383 (2001) of 6 December 2001, 1401 (2002) of 28 March 2002, 1413 (2002) of 23 May 2002 and 1419 (2002) of 26 June 2002 on the situation in Afghanistan,

*Recalling further* Security Council resolutions 1296 (2000) of 19 April 2000 on the protection of civilians, 1379 (2001) of 20 November 2001 on children and armed conflict, 1325 (2000) of 31 October 2000 and the statements by the President of the Council of 31 October 2001[59] and 31 October 2002,[60] on women and peace and security,

*Warmly welcoming* the conclusion of the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions (the Bonn Agreement), signed by the Afghan parties at Bonn, Germany, on 5 December 2001, which reaffirms the independence, national sovereignty and territorial integrity of Afghanistan and promotes national reconciliation, lasting peace, security and respect for human rights, and stressing the important role entrusted to the United Nations in that framework,

*Warmly welcoming also* the election by the Emergency Loya Jirga, in secret ballot, of the Head of State, President Hamid Karzai, and the establishment of the Afghan Transitional Authority,

*Affirming* the primary responsibility of the Afghan Transitional Authority, supported by the United Nations, to establish, in view of the formation of a government, an environment of good governance, democracy and the rule of law which:

(a) Should be broad-based, gender-sensitive, multi-ethnic and fully representative of all of the Afghan people and committed to peace with all countries;

(b) Should respect the human rights and fundamental freedoms of all of the Afghan people, without discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, birth, descent or other status;

(c) Should respect the international obligations of Afghanistan, including by cooperating fully in international efforts to combat terrorism and illicit drug trafficking in and from Afghanistan;

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[58] See CD/1478.

[59] S/PRST/2001/31.

[60] S/PRST/2002/32.

(d) Should facilitate the urgent delivery of humanitarian assistance and the voluntary and orderly return, in safety and dignity, of refugees and internally displaced persons;

(e) Should promote democracy and the holding of free elections;

*Recognizing* that the accountability of perpetrators of grave human rights violations, and their accomplices, is one of the central elements of any effective remedy for victims of human rights violations, and recognizing also that a fair and effective national justice system is a key factor in ensuring the promotion and protection of human rights and fundamental freedoms and, ultimately, reconciliation and stability within a State,

*Commending* the activity of the Special Representative of the Secretary-General for Afghanistan and the staff of the United Nations Assistance Mission in Afghanistan,

*Stressing* the importance of ensuring the full and effective participation of women in all decision-making processes regarding the future of Afghanistan,

*Stressing also* the importance of the economic reconstruction and development process and the need to ensure that it is accomplished in a coordinated and non-discriminatory manner, in a context of full respect for human rights and fundamental freedoms,

1. *Welcomes* the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan[61] and endorses the recommendations contained therein;

2. *Also welcomes* the decision of the Transitional Authority to establish the Constitutional Commission to undertake, with the assistance of the United Nations, the task of drafting a new Constitution which will reflect, inter alia, the commitment of Afghanistan to promote and protect human rights pursuant to its obligations under the international human rights instruments;

3. *Warmly welcomes* the establishment of the Independent Human Rights Commission, which has the primary responsibility for advising on the promotion and protection of human rights and developing a national programme for the implementation of the relevant section of the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions (the Bonn Agreement);

4. *Invites* the relevant bodies of the United Nations, in particular the Office of the United Nations High Commissioner for Human Rights, within the framework of the United Nations Assistance Mission in Afghanistan:

(a) To assist in the full implementation of the human rights provisions of the Bonn Agreement and the National Human Rights Programme for Afghanistan, including through the establishment of an active human rights component in Afghanistan;

(b) To contribute to the work of the recently established Independent Human Rights Commission, the responsibilities of which include the promotion of international human rights standards, human rights monitoring, the investigation of

[61] A/57/309.

violations of human rights and the development of domestic human rights institutions that have dedicated personnel and operative plans;

(c) To develop a human rights-based strategy addressing, in particular, issues of accountability, transitional justice, a national programme for human rights education, women's rights and the rights of the child;

5. *Commends* the steps taken by the Transitional Authority to promote and protect human rights and fundamental freedoms in order to guarantee, in particular, the rights of children, women and persons belonging to national, ethnic, religious or linguistic minorities and the right to education, employment and freedom of religion and expression;

6. *Welcomes* the designation by the Transitional Authority of the members of the Judicial Commission and urges it to resume its work without delay with a view to restoring the rule of law by, inter alia, the establishment of an independent and impartial judiciary, which should function in conformity with standards of international law relating to human rights;

7. *Urges* the Transitional Authority, the international community and the United Nations, in particular the United Nations Assistance Mission in Afghanistan, to provide the commissions established under the Bonn Agreement with the support necessary to fulfil their mandates;

8. *Also urges* the Transitional Authority to continue its efforts to re-establish the rule of law, including by ensuring that law enforcement agencies respect and uphold human rights and fundamental freedoms;

9. *Calls upon* the Transitional Authority to develop a culture of democracy that includes democratic institutions as well as a free press and autonomous electronic media, all of which contribute to the promotion of tolerance and respect for human rights;

10. *Expresses grave concern*:

(a) About the recent reports of ethnically motivated violence directed in particular against certain minority ethnic groups in affected areas that lack the rule of law and its enforcement machinery;

(b) About recent cases of arbitrary arrest and detention and of summary trials in some areas of the country;

(c) About recent attacks against women and girls, including rape and other forms of sexual violence, forced marriage, detention of women and girls for violating social codes and attacks on girls' schools;

11. *Calls upon* the Transitional Authority and all Afghan groups, in application of the Bonn Agreement:

(a) To respect fully all human rights and fundamental freedoms without discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, birth, descent or other status;

(b) To adhere strictly to their obligations under human rights instruments and international humanitarian law, inter alia, in relation to the treatment of prisoners;

(c) To implement fully demobilization and social reintegration activities, including those related to war-affected children;

(d) To facilitate the provision of efficient and effective remedies to the victims of grave violations and abuses of human rights and of international humanitarian law and to bring the perpetrators to justice in accordance with international standards and in particular with a view to combating impunity;

(e) To treat all suspects and convicted or detained persons in accordance with relevant international law and to refrain from acts of arbitrary detention in violation of international law;

(f) To facilitate the voluntary and orderly return in safety and dignity of Afghan refugees and internally displaced persons and their reintegration;

12. *Welcomes* the establishment of the Ministry of Women's Affairs and encourages the Transitional Authority to provide the necessary support and resources to enable the Ministry to function effectively;

13. *Urges* the Transitional Authority to give high priority to the ratification of the Convention on the Elimination of All Forms of Discrimination against Women,[55] to end, without delay, all violations of the human rights of women and girls and to take urgent measures to ensure fully:

(a) The repeal of any legislative, institutional and other measures in place that discriminate against women and girls and those that impede the realization of their human rights and fundamental freedoms;

(b) The full, equal and effective participation of women in civil, cultural, economic, political and social life throughout the country at all levels;

(c) Respect for the equal right of women to work and their reintegration into employment in all sectors and at all levels of Afghan society;

(d) The equal right of women and girls to education without discrimination, the effective functioning of schools throughout the country and the admission of women and girls to educational programmes at all levels;

(e) Respect for the equal right of women and girls to security of person, including in the private sphere, and to ensure that those responsible for physical attacks on women are brought to justice;

(f) The equal right of women and girls to access to health care;

14. *Notes with deep concern* the severity of the humanitarian crisis that still affects the country and the existence of millions of Afghan internally displaced persons and refugees;

15. *Recognizes* the huge burden shouldered by neighbouring countries, especially the Islamic Republic of Iran and Pakistan, expresses its appreciation of the efforts made in those host countries to ease the plight of Afghan refugees, and encourages them to continue cooperating with the Office of the United Nations High Commissioner for Refugees to that end;

16. *Welcomes* the contributions of donors to meet the requirements of the Immediate and Transitional Assistance Programme for the Afghan People 2002, urges them to fulfil promptly the funding commitments made at the International

Conference on Reconstruction Assistance to Afghanistan, held at Tokyo on 21 and 22 January 2002, and invites them to provide additional resources beyond those pledged at that Conference;

17. *Urges* the international community to provide continuing assistance to ensure an effective transition, consistent with the National Development Framework, from humanitarian assistance to the establishment of a longer term social and economic recovery, with a view to meeting, in particular, the needs of internally displaced persons and returnees;

18. *Welcomes* the activities of the Office of the United Nations High Commissioner for Refugees and other United Nations agencies to achieve the voluntary return of 1.7 million refugees, calls upon the Office of the High Commissioner to continue implementing its plans for the voluntary and orderly repatriation of refugees in safety and dignity, in close cooperation with the Transitional Authority and with the support of other relevant United Nations agencies, and appeals to the international community to provide additional assistance for a durable solution to this problem;

19. *Notes with appreciation* the activities carried out by the International Committee of the Red Cross and other humanitarian organizations throughout the territory of Afghanistan;

20. *Appeals* to Member States, organizations and programmes of the United Nations system, specialized agencies and other international organizations to ensure that all United Nations operations integrate a gender perspective, including in the selection of personnel for their management, and that women benefit equally with men from such programmes;

21. *Urges* the Transitional Authority and all Afghan groups to ensure the safety, security and free movement of all foreign and local United Nations and associated personnel, as well as of all foreign and local personnel of humanitarian organizations, and their safe and unimpeded access to all affected populations;

22. *Also urges* the Transitional Authority and all Afghan groups to guarantee the access of all Afghans to aid and to educational and health facilities without discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, birth, descent or other status;

23. *Calls upon* the Transitional Authority and all Afghan groups to cooperate fully with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan and all other special rapporteurs who request invitations to visit Afghanistan, and to facilitate their access to all sectors of society and to all parts of the country;

24. *Requests* the Secretary-General:

(a) To provide all necessary assistance to the Special Rapporteur;

(b) To ensure, in consultation with the United Nations High Commissioner for Human Rights, the integration of a human rights capacity in the context of United Nations activities in Afghanistan, and also to ensure that the protection and promotion of human rights is central to the purposes and functions of the United Nations Assistance Mission in Afghanistan and that the Mission is fully equipped to

implement effectively its human rights responsibilities under the terms of the Bonn Agreement;

25. *Invites* the Special Rapporteur to provide updated reports, as appropriate, on the situation of human rights in Afghanistan to the General Assembly and the Commission on Human Rights;

26. *Decides* to keep the situation of human rights in Afghanistan under consideration at its fifty-eighth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.